UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/530,227	SAKATANI, TOMOHIKO
	Examiner	Art Unit	
	JAMIE ATALA	2484	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 March 2011</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>4/4/05</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot

in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-24 rejected under 35 U.S.C. 103(a) as being unpatentable over Tomita

et al (US 6,732,372) in view of Brown et al (US 6,868,225) in view of Reynolds et al (US

6,934,963).

[claim 1]

In regard to Claim 1, Tomita et al discloses a data processor connected to a network, to

which a database and a server are also connected,

- the database being provided to store program specific information, which is made

  up of a number of parameters to designate a particular program (Figure 3

  element 31 shows the database as described in Column 6 Lines 54+);

- the server being provided to search the program specific information in the database by reference to a search request thereby extracting at least one of the parameters (Column 6 Lines 54+ describes the server extracting parameters);

- the data processor comprising: an interfacing section for outputting a command on a program to be recorded based on the user operation (Figure 16b and 18);

- a control section for transmitting the search request searching to the server and receiving a parameter that has been extracted by the server (Figure 16b); and

- a recording section for recording the received parameter and the program to be recorded on a storage medium so that the parameter and the program are associated with each other (Figure 16b shows the received parameter/category that is used to store for tagging and efficient recording purposes); however, fails to disclose an interfacing section for outputting a command on a program to be recorded based on the user operation, wherein the outputted command is for the server to identify the desired program from the database for recording.

Brown teaches an interactive recording system wherein the user provides input to the system regarding programs that is of interest to the user or those that are not of interest to the user. The system allows the user to indicate via a rating system data that is of interest for recording (Column 14 Lines 26-67 through Column 15 Lines 1-25). Thereby allowing the system based on user preference to record programs within the interest of the user or to not record programs based on user preference through the interface.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the system as described by Tomita regarding scheduling of recording,

and incorporate a system that allows for recording and storing of programs based on interface to the user.

Tomita et al in view of Brown is silent regarding the outputted command is for the server to identify the desired program from the database for recording. However, it is taught by Reynolds the outputted command for the program to be recorded is processed by the server to identify the desired programming as seen in Figure 2b and further described in Column 20 Lines 13-44 describing the program guide server to record the desired program to be recorded. Thereby allowing the system to properly record and process the program based on program guide information from the server. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the system of processing and recording data, as disclosed by Tomita in view of Brown, and further incorporate a system that outputs commands for program to be recorded from the server database, as taught by Reynolds, in order to allow for proper recording of data.

[claim 2]

In regard to Claim 2, Tomita et al discloses a data processor wherein the database stores, as the parameters, title information representing the title of a program, and date/time information showing scheduled broadcasting date and time of the program, and wherein the interfacing section gets, as a parameter on the program to be recorded, date/time information represented by a specified time and outputs the date/time information with the data, information on the broadcast date and time of the program to

be recorded, and wherein the control section further transmits the parameter as a
search key to the server and receives the title information that has been extracted by
the server by reference to the search request and the search_key. (Column 7 Lines 26-
56). Furthermore, Brown teaches the scheduling broadcast data based on user
interactions (Column 14 Lines 26-67 through Column 15 Lines 1-25). Therefore, it
would have been obvious to one of ordinary skill in the art at the time of the invention to
use the system as described by Tomita regarding scheduling of recording, and
incorporate a system that allows for recording and storing of programs based on
interface to the user

[claim 3]

In regard to Claim 3, Tomita et al discloses a data processor wherein the interfacing
section gets and outputs the date/time information specifying a predetermined period,
as a parameter on the program to be recorded, and wherein the control section receives
the title information of programs to be broadcast during the predetermined period
(Column 78 Lines 25-67).

[claim 4]

In regard to Claim 4, Tomita et al discloses a data processor of claim 3, wherein the
recording section records the title information of the programs and the programs
themselves during the predetermined period so that the programs and the title
information are associated with each other (Column 7 Lines 25-67 describe the
recording of the predetermined period).

[claim 5]

In regard to Claim 5, Tomita et al discloses a data processor wherein the database

stores, as the parameters, title information representing the title of a program and

date/time information showing scheduled broadcasting date and time of the program,

wherein the ~ interfacing section gets, as a parameter on the program to be recorded,

date/time information represented by a specified time and outputs the date/time

information with the command, and wherein the control section further transmits the

parameter as the search key to the server and receives the title information of a

program to be broadcast during a broadcasting period including the specified time

(Column 7 Lines 25+).

[claim 6]

In regard to Claim 6, Tomita et al discloses a data processor wherein the control section

receives parameters specifying start and end times of the broadcasting period of the

program from the server, and wherein the recording section records the title information

of the program and the program itself during the broadcasting period, specified by the

parameters, so that the program and the title information are associated with each other

(Column 8 Lines 1-65).

[claim 7]

In regard to Claim 7, Tomita et al discloses a data processor wherein the database

further stores an identifier, which identifies each said program from the other programs,

as another parameter making up the program specific information, and wherein the

control section receives not only the title information of the program but also the

identifier thereof, transmits the identifier to the server before the predetermined period

begins so as to receive the date/time information of the program, having the identifier, from the server, and determines whether or not the received date/time information shows the same period of time as the predetermined period, and wherein if the date/time information shows the same period of time as the predetermined period, then the recording section records the title information of the program and the program itself during the predetermined period (Column 7 Lines 30-67).

[claim 8]

In regard to Claim 8, Tomita et al discloses a data processor wherein the database further stores an identifier, which identifies each said program from the other programs, as another parameter making up the program specific information, and wherein the control section receives not only the title information of the program but also the identifier thereof, transmits the identifier to the server before the predetermined period begins so as to receive the date/time information of the program, having the identifier, from the server, and determines whether or not the received date/time information shows the same period of time as the predetermined period, and wherein unless the date/time information shows the same period of time as the predetermined period, the predetermined period is changed in accordance with updated date/time information that has been obtained after the identifier was transmitted (Column 7 Lines 30-61).

[claim 9]

In regard to Claim 9, Tomita et al discloses a data processor wherein the database further stores additional information on at least one of the contents, performers and category of the program as another parameter, and wherein the control section receives

the additional information that has been further extracted by the server by reference to

the search request (Column 8 Lines 44+ through Column 9 Lines 1-39).

[claim 10]

In regard to Claim 10, Tomita et al discloses a data processing method for use in a data

processor connected to a network, to which a database and at least one server are also

connected, the database being provided to store program specific information, which is

made up of a number of parameters to designate a particular program, the at least one

server being provided to search the program specific information in the database by

reference to a search request thereby extracting at least one of the parameters,

the method comprising the steps of: receiving the search request on a program to be

recorded from the user; transmitting the search request to the server and receiving a

parameter that has been extracted by the server; and recording the received parameter

and the program to be recorded on a storage medium so that the parameter and the

program are associated with each other (Column 7 Lines 20+ describes the searching

of data).

[claim 11]

In regard to Claim 11, Tomita et al discloses a data processing method of claim l0,

wherein the database stores, as the parameters, title information representing the title of

a program and date/time information showing rescheduled broadcasting date and time

of the program, and wherein the step of receiving the search request includes getting,

as a parameter on the program to be recorded, date/time information represented by a

specified time and outputs the date/time information with the data, and wherein the step

of receiving the parameter includes receiving the title information that has been

extracted by the server by reference to the search request and the search key (Column

7 Lines 26-56 describes the title information and searching of data).

[claim 12]

In regard to Claim 12, Tomita et al discloses a data processing method wherein the step

of receiving the searching data includes getting date/time information specifying a

predetermined period, as a parameter on the program to be recorded, and

wherein the step of receiving the parameter includes receiving the title information of

programs to be broadcast during the predetermined period (Column 14 Lines 38-67

describes the parameter associated with title information).

[claim 13]

In regard to Claim 13, Tomita et al discloses a data processing method wherein the step

of recording includes recording the title information of the programs and the programs

themselves during the predetermined period so that the programs and the title

information are associated with each other (Column 7 Lines 26-56 describes the

predetermined period of programs for recording based on title information).

[claim 14]

In regard to Claim 14, Tomita et al discloses a data processing method wherein the

database stores, as the parameters, title information representing the title of a program

and date/time information showing scheduled broadcasting date and time of the

program, wherein the step of receiving the search includes getting, as a parameter on

the program to be recorded, date/time information represented by a specified time, and

wherein the step of receiving the parameter includes receiving the title information of a program during a broadcasting period, represented by the specified_time and wherein the step of receiving the parameter includes the title information of a program during a broadcast period represented by specified time (Column 7 Lines 29+).

[claim 15]

In regard to Claim 15, Tomita et al discloses a data processing method wherein the step of receiving the parameter includes receiving parameters specifying start and end times of the broadcasting period of the program from the server, and wherein the step of recording includes recording the title information of the program and the program itself during the broadcasting period, specified by the parameters, so that the program and the title information are associated with each other (Column 7 Lines 29+ dscribes the receiving of parameters).

[claim 16]

In regard to Claim 16, Tomita et al discloses a data processing method wherein the database further stores an identifier, which identifies each said program from the other programs, as another parameter making up the program specific information, and wherein the step of receiving the parameter includes the steps of: receiving not only the title information of the program but also the identifier thereof; transmitting the identifier to the server before the predetermined period begins so as to receive the date/time information of the program, having the identifier, from the server; and determining whether or not the received date/time information shows the same period of time as the predetermined period, and wherein if the date/time information shows the same period

of time as the predetermined period, then the step of recording includes recording the

title information of the program and the program itself during the predetermined period

(Column 7 Lines 29+).

[claim 17]

In regard to Claim 17, Tomita et al discloses a data processing method wherein the

database further stores an identifier, which identifies each said program from the other

programs, as another parameter making up the program specific information, and

wherein the step of receiving the parameter includes the steps of: receiving not only the

title information of the program but also the identifier thereof; transmitting the identifier

to the server before the predetermined period begins so as to receive the date/time

information of the program, having the identifier, from the server; and determining

whether or not the received date/time information shows the same period of time as the

predetermined period, and wherein unless the date/time information shows the same

period of time as the predetermined period, the step of receiving the parameter further

includes the step of changing the predetermined period in accordance with updated

date/time information that has been obtained after the identifier was transmitted

(Column 7 Lines 29+ describes the date and time).

[claim 18]

In regard to Claim 18, Tomita et al discloses a data processing method wherein the

database further stores additional information on at least one of the contents,

performers and category of the program as another parameter, and wherein the step of

receiving the parameter includes receiving the additional information that has been

further extracted by the server by reference to the searching data (Figure 16c).

[claim 19]

In regard to Claim 19, Tomita et al discloses a data processor of claim 5, wherein the

database stores, as one of the parameters, broadcaster information identifying a

broadcaster, wherein the interfacing section further receives and outputs the

broadcaster information of the program to be recorded, and wherein the control section

further transmits the broadcaster information as a search key to the server, and

receives title information of the program to be broadcast by the broadcaster identified by

the broadcaster information (Figure 16b).

[claim 20]

In regard to Claim 20, Tomita et al discloses a data processor wherein the interfacing

section outputs the command to start recording the program now being broadcast

based on the user operation (Figure 16c).

[claim 21]

In regard to Claim 21, Tomita et al discloses a data processing method of claim 14,

wherein the database stores, as one of the parameters, broadcaster information

identifying a broadcaster, wherein the step of receiving further receives the broadcaster

information of the program to be recorded, wherein the step of transmitting further

transmits the broadcaster information as a search key to the server, and wherein the

step of receiving title information of the program to be broadcast by the broadcaster

identified by the broadcaster information (Column14 Lines 65+ through Column 15

Lines 1-67).

[claim 22]

In regard to Claim 22, Tomita et al discloses a data processor of claim 14, wherein the

step of receiving receives the command to start recording the program now being

broadcast based on the user operation (Figure 16c).

[claim 23]

In regard to Claim 23, claim limitations have been discussed in Claim 1.

[claim 24]

In regard to Claim 24, claim limitations have been discussed in Claim 1.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMIE ATALA whose telephone number is (571)272-7384. The examiner can normally be reached on Monday - Friday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMIE ATALA/
Primary Examiner, Art Unit 2484